

On motion of Senator Owen the names of the President Pro Tempore and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
January 16, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 37, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 16, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 50, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Welcome Resolution

S. R. No. 24—By Senators Krueger for President Pro Tempore Herring: Extending welcome to Anderson High School Civics Class and Mr. W. C. Akins, their teacher.

Memorial Resolutions

S. R. No. 23—By Senator Baker: Memorial resolution for Dr. L. A. Hankins.

S. R. No. 25—By Senator Moffett: Memorial resolution for Dr. Ben G. Yeager.

Adjournment

On motion of Senator Martin the Senate, at 11:02 o'clock p.m., adjourned until 10:30 o'clock a.m., tomorrow.

EIGHTH DAY

(January 17, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Aikin.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 17, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 10, Concerning the

celebration of Football Champions Appreciation Day.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guest

Senator Parkhouse by unanimous consent presented Mr. John G. Wilsey of Dallas, Texas, to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 55, A bill to be entitled "An Act amending Acts 54th Legislature, Chapter 497, page 1243; Acts 55th Legislature, Chapter 210, page 435, codified as Art. 5421c-7, V.A.C.S. of Texas; providing a severability clause; repealing all laws in conflict; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Schwartz:

S. B. No. 56, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, of the Constitution of the State of Texas, to be known as 'Brazoria-Matagorda Counties Water Control and Improvement District No. 1'; defining the boundaries of the District; finding that field notes and boundaries form a closure, and enacting provisions relating thereto; providing that the District shall be a governmental agency, body politic and corporate, and a political subdivision of this state; enumerating the purposes for which the District is created; describing the District's powers, duties and functions; providing for a governing body of the District, providing for qualifications and bonds of directors and naming the first Board of directors; providing for terms and election of directors; providing for appointment of directors to fill vacancies; providing for organization and officers of Board of Directors; providing for other officers and employees of the District; providing for a principal office of the District; providing for an official seal; providing for the keeping of books, records and reports; providing for depository bank or banks and

for the publication of notice for bids therefor; providing that a person who is a director of the District and also a director or officer of a bank will not disqualify such bank from being the District's depository; providing for annexation of territory to the District, including a hearing and an election thereon, and for assumption of debt and for the levy of maintenance tax on the annexed territory and elections thereon; finding and determining that all lands and other property included within the District will be benefited by the works, projects and improvements to be accomplished, and that the District will serve a public use and benefit; providing that no election shall be necessary to confirm the organization of the District; providing that no hearing shall be held to determine whether any lands included within the District should be excluded; providing that all taxes levied by the District shall be on the ad valorem basis and that no hearing shall be required on a plan of taxation; providing and enumerating additional powers, including the right to acquire within or without the District lands or other interests in lands, and the right of eminent domain; authorizing the District to acquire or construct facilities necessary to the fulfillment of the purposes of the District; authorizing the District to cooperate and contract with the United States of America or with any of its departments or agencies, and to receive grants, loans or advancements therefrom, or to contribute to the United States of America or any of its departments or agencies, in connection with any project undertaken by the District affecting or relating to any of the purposes for which it is organized; also authorizing the District to cooperate and contract with any department or agency of the State of Texas, or any political subdivision thereof, or any municipal corporation; providing that the District may sue or be sued in its corporate name; providing that courts shall take judicial notice of the creation of the District; providing for the issuance of negotiable general obligation tax bonds of the District and the levy of taxes therefor; providing for election, and notice and manner of issuance of original bonds of the District; providing for the application of the proceeds from the sale of any bonds; providing for approval of bonds by the Attorney General of

Texas and registration by the Comptroller of Texas; providing for approval of proposed projects, proposed improvements and bonds therefor by the State Board of Water Engineers; providing after approval of bonds by the Attorney General and registration by the Comptroller, they shall be incontestable except for forgery or Constitutional violation; making it the duty of the Board of Directors to levy a tax without limit as to rate or amount to pay the principal and interest on bonds issued by the District; providing for other terms and provisions of bonds issued by the District; providing for the issuance of refunding bonds by the District; providing for the levying of a maintenance tax and an election therefor; providing for the advertising of contracts involving an expenditure of more than \$10,000; making bonds of the District eligible investments; providing for Tax Assessor and Collector, for Board of Equalization and method of levying and collecting taxes in the District; finding that the accomplishment of the purposes of this Act will be for the benefit of the people of the State, and that the District will be performing an essential public function; providing the District shall not be required to pay any tax or assessment on its property; providing bonds issued by the District and their transfer and income therefrom and profits made thereon, shall be free from taxation within this State; declaring the District essential and in fulfillment of a duty imposed by Article 16, Section 59, of the Constitution of Texas; providing that the terms of this Act are to be liberally construed; enacting other provisions relating to the subject and purpose of the Act; providing severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Schwartz:

S. B. No. 57, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Brazoria County Water Control and Improvement District—Brushy Meadows; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; find-

ing a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority, and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers, and authority for and in connection with its systems, facilities, and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District but limited to Brazoria County, Texas, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors; providing Directors to fill vacancies; providing for organization of Board of Directors; providing for employment of engineers, attorneys, fiscal agents, managers and employees; providing for sale and price of bonds; providing for exchange of bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds in such exchange; providing for bonds or refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation and incontestability of the bonds or refunding bonds; and authorizing refunding bonds to be issued without concurrent surrender of underlying bonds and related matters; making bonds or refunding bonds eligible investments; making inapplicable to the District certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended; exempting property and bonds of the District from taxation and related matters; providing for an annual audit, fiscal year, and related matters; providing District shall bear expense of relocating, raising, or rerouting of any highway, railroad, utility lines, or pipelines made necessary by its exercise of the power of eminent domain; enacting

other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Schwartz:

S. B. No. 58, A bill to be entitled "An Act amending Chapter 360, Acts of the 54th Legislature, Regular Session, 1955, codified as Section 1 of Article 2775a-1, Vernon's Texas Civil Statutes, by adding thereto a new section so as to provide for the filling of vacancies on the board of school trustees of certain independent school districts; providing powers, duties, and procedures; and declaring an emergency."

To the Committee on Education.

By Senator Schwartz:

S. B. No. 59, A bill to be entitled "An Act authorizing the Commissioners Court, in all counties having a population in excess of One Hundred Forty Thousand (140,000) but not in excess of Two Hundred Thousand (200,000) according to the last preceding or any future Federal Census, and having an assessed valuation in excess of Two Hundred Fifty Million Dollars (\$250,000,000) to allow each member of the Commissioners Court an adequate motor vehicle, providing for motor vehicle expense, providing for the expenditure of county funds, providing for an accounting, providing for non repeal of certain statutes concerning motor vehicle transportation, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hardeman:

S. B. No. 60, A bill to be entitled "An Act amending Sec. 212 of the election Code of the State of Texas (codified as Art. 13.34 of V.T.E.C.), relating to county and precinct conventions; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senators Hardeman and Crump:

S. B. No. 61, A bill to be entitled "An Act creating Angelo State College at San Angelo, Texas, as a co-educational institution of higher learning, providing that the organization, management and control of said College shall be vested in the Board of

Regents of the State Teachers Colleges; empowering the Board of Regents to appoint and to remove the President, any faculty member or other officer or employee of the College when it deems such appointment or removal necessary to the best interests of the College and to fix the salaries and prescribe the duties thereof by written order; providing for offering courses of higher learning in the arts and sciences, in business administration and in teacher training, establishing a standard four-year course for said College; providing for the awarding of bachelor's degrees; providing that higher degrees may be offered only on recommendation of the Board of Regents, with the approval of the Texas Commission on Higher Education; providing for special, short and terminal courses; providing for the transfer, gift and donation of all the assets, corporeal properties and facilities of the Junior College District of Tom Green County, Texas, to the Board of Regents or its successors, of the Angelo State College, herein created on September 1, 1965, free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind and authorizing the Board of Regents of the College herein created to accept such assest, corporeal properties and facilities; providing for the Board of Regents to accept donations, gifts and endowments; vesting the management and control of the lands and minerals of the College in the Board of Regents; authorizing and directing the Board of Regents to prescribe fees, rentals and charges for use of the facilities of Angelo State College and for reporting thereof; authorizing the Board of Regents to enter into contracts with the Department of Defense of the United States of America to establish and maintain courses in military training, for credit therefor, under certain conditions; providing a severability clause; and an emergency clause."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 62, A bill to be entitled "An Act making an appropriation to the State Highway Department out of the General Revenue Fund for the purpose of publicizing and advertising tourist attractions in Texas as provided in Chapter 193, Acts of the 56th Legislature, Regular Session,

1959; providing for severability; and declaring an emergency."

To the Committee on Finance.

By Senator Spears:

S. B. No. 63, A bill to be entitled "An Act requiring building permits for the building, erection or construction of any building or other structure or improvements to any existing structure and for the moving of building, the total value of which building, structure or improvement is in excess of Five Hundred Dollars (\$500.00); excluding buildings or structures located within the corporate limits of any incorporated city or town having a building permit code from the provisions of this Act; providing for the issuance of permits by the County Assessor/Collector; providing a fee for permits; making the violation of this Act a misdemeanor and fixing penalties; and declaring an emergency."

To the Committee on State Affairs.

By Senator Baker:

S. B. No. 64, A bill to be entitled "An Act amending and re-enacting Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, relating to the issuance, expiration, renewal, cancellation, suspension and revocation of operator's, commercial operator's and chauffeur's driver's licenses, and relating to violations, remitting of fees, penalties, reporting requirements and other general provisions; providing rules of construction; providing a saving clause; repealing laws in conflict; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 28

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Jack Hightower and their daughters Ann, Amy and Alison, prominent citizens of Vernon, Texas; and

Whereas, Mr. Hightower was a member of the House of Representatives during the 53rd Legislature and is former District Attorney of the 46th Judicial District; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privilege of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 29

Senator Hudson offered the following resolution:

Whereas, The four major permanent funds of the State of Texas; the University of Texas Fund, the Permanent School Fund, the Teacher's Retirement Fund and the Employees' Retirement Fund have been working in excellent cooperation and harmony; and

Whereas, It is important that once each year a resume of activities of these funds be reported to the Senate of Texas; and

Whereas, We hereby ask that the Chairmen of the Boards of Trustees of each of these funds have an annual review of procedures and investments, supervised by a man with the qualifications similar to those of Mr. Knute E. Anderson from the Securities Exchange Commission in Washington, D. C., and that a copy be given to every member of the Senate. This resolution is prepared in the interest of further promoting cooperation between the funds and also to apprise the Senate of the results obtained by the funds at the end of each calendar year; we

Therefore, Wish to heartily commend the four funds for the excellent progress made in past years; now, therefore, be it

Resolved, That this Resolution be in effect in future years until changed by the Senate.

The resolution was read and was adopted.

Presentation of Guests

Senator Reagan by unanimous consent presented students of the History Class of Ray Miller High School and their sponsors, all of Corpus Christi, Texas, to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 12, A bill to be entitled "An Act amending Paragraphs (1) through (11), both inclusive, and Paragraphs (15) and (16) of Section One (1) of Chapter 357, Acts of the 53rd Leg., Regular Session, 1953; changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State; providing a savings clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 11, To the Committee on Finance.

H. B. No. 12, To the Committee on State Affairs.

Senate Concurrent Resolution 12

Senator Roberts offered the following resolution:

S. C. R. No. 12, Urging Board of Regents of State Teachers Colleges to follow wishes of students and designate Union Center Building at East Texas State College "The Sam Rayburn Memorial Student Center."

Whereas, The students of East Texas State College, Commerce, by popular vote endorsed a proposed new Union Center Building on their campus; and

Whereas, Senate Bill No. 26, Regular Session of the 57th Legislature, authorized the Board of Regents for the State Teachers Colleges of Texas to levy a regular fixed student fee not to exceed \$11 per student for each semester of the long session and not to exceed \$5.50 per student for each term of the summer school

to be used in the operation, maintenance and improvement of the Union Center Building; and

Whereas, The students at East Texas State College, justifiable proud of this new center and of their role in making it possible, have voted 5 to 1 to name it "The Sam Rayburn Memorial Student Center" in honor and memory of the long-time Speaker of the United States House of Representatives who lived in nearby Bonham; and

Whereas, The Board of Regents for the State Teachers Colleges, is empowered to choose the official name of this building; now therefore be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Board of Regents for the State Teachers Colleges be urged to follow the wishes of the students for whose benefit this center was constructed and whose financial participation makes it operation and improvement possible and designate the Union Center Building at East Texas State College "The Sam Rayburn Memorial Student Center," thus paying tribute also to the outstanding Texan whose name will be so perpetuated.

The resolution was read.

On motion of Senator Roberts and by unanimous consent the resolution was considered immediately and was adopted.

Presentation of Mrs. Franklin Spears

Senator Kazan by unanimous consent presented the lovely Mrs. Jo Ann Spears, wife of Senator Franklin Spears, and their two fine sons to the Members of the Senate.

Resolution Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 10, Relating to the celebration of Football Champions Appreciation Day.

Presentation of Guests

Senator Patman by unanimous consent presented students and sponsors of Three Rivers High School Government Class.

Message from the Governor

The following message received

from the Governor was read and was filed with the Secretary of the Senate:

January 17, 1962.

To the Members of the 57th Legislature, Third Called Session:

In view of the fact that excellent progress has been made on the legislation heretofore submitted and the fact that all members requesting the submission of additional subjects have agreed that these additional submissions will not be permitted to delay action on the measures originally submitted in my message of January 3, I herewith submit for your consideration the following subjects:

1. Municipal annexation.
2. Revision of the driver licensing law.
3. Creation, expansion, or regulation of water improvement, reclamation, drainage, soil conservation, navigation, and seawall districts and authorities, municipal utility districts, bonds of public agencies, wharves, and contracts for water treatment plants.
4. Validating acts and amendments thereto.
5. Regulation of gas sold for irrigation purposes.
6. Laws relating to terms of courts, court reporters, district and county clerks, district attorneys, abstracts of judgments, probation officers, domestic relations courts, care of dependent and neglected children, juvenile boards, rehabilitation districts, hospitals, grand juries, mobile homes safety standards, public printing, trademarks, school trustees, airports, public roads, local game and fish laws, and the Texas Motor Vehicle Safety Responsibility Act.
7. Group insurance for purchasers under the Veterans Land Program, retirement plans, and annuities for public school and college employees.
8. Corrections or clarification of laws relating to principals in ten-year schools, Articles 5.15 and 13.34 of the Texas Election Code relating to residence change of voters, and county and precinct conventions, Article 240 of the Penal Code to apply equally to second primaries, Article 6675a-2 relating to registration fees for construction machinery, classification of State employees, Senate Bill 394 of the Regular Session (Article 911b) relating to motor carriers, House Bill 261 of the Regular Ses-

sion (Article 6252-13) relating to rules of public agencies; and reimbursement of the Unemployment Compensation Clearing Account for warrants voided and erroneously transferred.

9. Disaster relief measures and emergency funds for the Game and Fish Commission and State Parks Board due to Hurricane Carla damages.

10. Providing for the incorporation of San Angelo College and Pan-American University into State system of four-year colleges effective September 1, 1965, as recommended by the Commission on Higher Education.

11. Authorizing the State Building Commission and the Texas Employment Commission to cooperate in the construction of parking facilities on the block east of the Texas Employment Commission building in the City of Austin.

12. Supplemental appropriation for the State Board of Barber Examiners.

Respectfully submitted,

PRICE DANIEL,
Governor.

Senate Bill 44 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act amending Section 186a of the Election Code of the State of Texas, as added by Section 1 of Chapter 494, Acts of the 55th Legislature, Regular Session, 1957 (codified as Article 13.08a, Vernon's Texas Election Code), relating to the filing fees of candidates for office in counties having a population of one million (1,000,000) or more, according to the last preceding Federal census; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 44 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood	Weinert
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood	Weinert
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Senate Resolution 31

Senator Secrest offered the following resolution:

Whereas, Franklin Scott Spears and Carleton Spears, sons of our distinguished colleague, Senator Franklin Spears and his lovely wife, Jo Ann, are visitors in the Senate today for the first time; and

Whereas, The Senate desires to recognize their presence; now, therefore, be it

Resolved, That these young men from San Antonio, Franklin Scott Spears, Jr., and Carleton Spears, be

appointed honorary pages of the Senate of Texas for the day.

The resolution was read and was adopted.

Senate Bill 18 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 18, A bill to be entitled "An Act providing a minimum monthly salary for the Head-Principal in a 2-year accredited high school district, and for the Head-Principal in an elementary district employing 6-19 teachers, and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following Committee Amendment to the bill:

Amend S. B. 18 by striking out the last paragraph of Section 1.

The committee amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 18 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Schwartz
Krueger	Secrest

Smith
Spears

Willis

Absent—Excused

Hazlewood

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood

Weinert

Senate Bill 14 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 14, A bill to be entitled "An Act authorizing Cities and Towns in this State, regardless of how incorporated, but which are located within or which have contracted or may hereafter contract with any Municipal Water Authority or other District organized under Section 59 of Article XVI of the Texas Constitution, for a supply of untreated water, to acquire either separately or jointly by gift, dedication, purchase, condemnation or otherwise, property located inside or outside such Cities and Towns for the purpose of providing water purification and treatment facilities; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Hardeman asked to be re-

corded as voting "Nay" on the passage of S. B. No. 14 to engrossment.

Senate Bill 14 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Nays—1

Rogers

Absent—Excused

Hazlewood

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Crump, Rogers and Martin asked to be recorded as voting "Nay" on final passage of S. B. No. 14.

Senate Bill 43 on Second Reading

On motion of Senator Fuller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 43, A bill to be entitled "An Act amending Section 6 of Chapter 159, Acts of the 57th Legislature, Regular Session, 1961, compiled as Section 6 of Article 2338-14, Vernon's Texas Civil Statutes, so as to authorize and make provision for the

Court of Domestic Relations for Jefferson County to sit and hold court at any time in Port Arthur and to hear and determine any civil non-jury case over which it has jurisdiction; authorizing the judges of district courts to sit for the judge of the Court of Domestic Relations; validating certain acts by said Court; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 43 to engrossment.

Senate Bill 43 on Third Reading

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Spears
Martin	Willis

Nays—1

Hardeman

Absent—Excused

Hazlewood Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Colson
Baker	Creighton
Calhoun	Crump

Dies	Patman
Fuller	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Moffett	Smith
Moore	Spears
Owen	Willis
Parkhouse	

Nays—2

Hardeman Martin

Absent—Excused

Hazlewood Weinert

Reports of Standing Committee

Senator Krueger by unanimous consent submitted the following reports:

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 36, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KRUEGER, Chairman.

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 52, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KRUEGER, Chairman.

Senate Bill 17 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 17, A bill to be entitled "An Act authorizing the Boards of Education of Public Schools of Texas and the Governing Boards of State-supported institutions of higher education to purchase annuities for their

employees and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 17 on Third Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood	Weinert
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood	Weinert
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Senate Bill 52 Ordered Not Printed

On motion of Senator Crump and by unanimous consent S. B. No. 52 was ordered not printed.

Senate Bill 39 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 39, A bill to be entitled "An Act amending Section 4 as added to Article 6050 of the Revised Civil Statutes of Texas, 1925, by Chapter 31, Acts of the 53rd Legislature, 1st Called Session, 1954, so as to provide that the sale, transportation or delivery of natural gas for certain agricultural purposes or uses shall not alone constitute a person, association, corporation, trustee, receiver, or partnership a 'gas utility,' 'public utility' or 'utility' as defined by Article 6050 of the Revised Civil Statutes of Texas, 1925, but if such a person, association, corporation, trustee, receiver, or partnership in such a utility as defined elsewhere in Article 6050 by virtue of other activities and business engaged in by it, the sale, transportation, or delivery of natural gas by it for certain agricultural purposes or uses shall be subject to the jurisdiction, control and regulation of the Railroad Commission; repealing Section 4a of Article 6050; providing for severability; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Votes

Senators Parkhouse, Owen, Willis, and Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 39 to engrossment.

Senate Bill 39 on Third Reading

Senator Rogers moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Baker
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Calhoun	Moffett
Colson	Moore
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Martin	Spears

Nays—5

Fuller	Parkhouse
Lane	Willis
Owen	

Absent—Excused

Hazlewood	Weinert
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senator Hardeman, Willis, Crump, Parkhouse and Owen asked to be recorded as voting "Nay" an final passage of S. B. No. 39.

Senate Bill 37 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 37, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Brazoria County Water Control and improvement District—Lake Alaska; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 37 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood	Weinert
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Absent—Excused

Hazlewood	Weinert
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Welcome Resolutions

S. R. No. 30—By Senator Krueger for President Pro Tempore Herring: Extending welcome to Sister M. Puritas, Sister Frances Gabriel and 40 senior students of the Government Class of St. Mary's Academy of Austin.

S. R. No. 32—By Senator Krueger for President Pro Tempore Herring: Extending welcome to 32 pupils of the Fifth Grade of Highland Park School and their teacher, Mrs. De Etta Sayers.

Memorial Resolution

S. R. No. 27—By Senator Aikin:
In memory of B. I. Jordan, Jr.

Adjournment

On motion of Senator Martin the Senate at 11:40 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

EIGHTH DAY

(Continued)

(January 18, 1962)

After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President Pro Tempore.

**Address by Senator Hardeman on
Life and Character of General
Robert E. Lee**

The President Pro Tempore recognized Senator Moffett:

Senator Moffett made the following remarks:

Mr. President and Members of the Senate:

The time has arrived pursuant to S. R. 17 for an address by the Senator from Tom Green on the life and character of General Robert E. Lee. General Lee's birthday anniversary is on January 19, but in anticipation that the Senate may not be in Session tomorrow, it was deemed appropriate to honor his memory by this program today.

With this explanatory statement I now present Senator Hardeman.

Senator Hardeman proceeded to the Secretary of the Senate's Reading Desk and addressed the Senate as follows:

Mr. President and Members of the Senate:

The tedium of the times suggests that we may well pause in the routine of official activities for an address, whether by me or another, on the life and character of the South's most gallant son, on the day preceding the anniversary of his birth one hundred and fifty-five years ago, as explained by Senator Moffett, and which will be observed throughout the Southland on the morrow. His name is emblazoned on the hearts of

all whose senses of appreciation of honor and loyalty have not been dulled by those would traduce these basic traits or hold them lightly.

I feel particularly honored by my designation in S. R. No. 17, sponsored by Senator Moffett, the distinguished Senator from Hardeman, to attempt this assignment. I am grateful for this manifestation of your confidence and I earnestly hope that my sincerity may compensate for my inability to adequately portray the life and character of him whom we pause to honor and to whom we desire to pay appropriate tribute. I recall no similar program during the three lustrums I have been a member of this body. I commend this observance as a precedent.

Even with this feeble effort we may be able to reflect, briefly, upon some of the things that exalted General Robert E. Lee to the highest pinnacle of personal honor and integrity and set him apart as the supreme example to be emulated in the fulfillment of any noble earthly ambition.

It was Pericles, the eminent Grecian orator who said, in one of his classic orations, while memorializing those who fell on the field of battle during the Peloponnesian War, that he commended the fitness of honoring their immortals in an appropriate way, but he doubted the wisdom of attempting to embellish their careers with overdrawn speech. He made bold to say that, where men's deeds had been great, they should be honored for their deeds only; and the estimate placed on men, after death, should never depend upon the judgment, good or bad, of any one man. So it shall be as we proceed with this attempt to depict the life and character of him in whose memory this date is observed. Our history, during a century past, has built around him a name and a fame that will light the pathway of generations yet unborn for a thousand years. Patriotism and admiration will not let us forget his mighty stroke for principle and his devotion to duty, even if we would.

Time and circumstances, perhaps, preclude an extended background discussion of conditions preceding the event which was to cast General Lee in his role as America's greatest soldier even though "Fate denied him victory, but Fame clothed him with glorious immortality."

He was truly "a gentleman to the